

Debate

CONTROVERSY

Janet Radcliffe Richards on our modest proposal

Charles A Erin, John Harris

Janet Radcliffe Richards is as always to the point and radical. We agree with her that “if it is presumptively bad to prevent sales altogether because lives will be lost . . . it is for the same reason presumptively bad to *restrict* the selling of organs”. Her complaint against our paper is that we are unnecessarily restrictive. John Harris indeed has argued that there are no sound ethical or philosophical reasons for objecting on principle to the sale of live tissue and organs.¹ If a scheme can be devised which meets most of the objections standardly brought against organ sales, however, then even though it is more restrictive than alternatives and even if the objections that it meets are themselves unsound, it may have a great deal to recommend it. And of course the main thing it has to recommend it is that the sooner a consensus can be achieved for permitting sales (even on our highly regulated model) the sooner we begin saving more lives. If we keep our “eyes on the prize” we will advocate the scheme most likely to succeed even if a more radical scheme is theoretically justifiable.

Thus when Radcliffe Richards says: “Of course there is something undesirable about a one way international traffic from poor to rich; but that is not enough to settle the all things considered question of whether it should be allowed” she is again right. It is not enough to settle that

question. Our paper was not trying to settle that question.² We have proposed a scheme that would maximise organ sales by meeting the most common and persistent objections to commerce in body parts. In our paper we note that: “In 1994, we made a proposal in which we outlined possibly the only circumstances in which a market in donor organs could be achieved ethically, and in a way that minimises the dangers normally envisaged for such a scheme” and this is the proposal that we repeat in abbreviated form. The claim we make, which it seems Radcliffe Richards judges to be too strong, is that our proposal outlines “possibly the only circumstances in which a market in donor organs could be achieved ethically”; but note that there is a qualification to this claim, namely that if the first part of our claim is true it is so because it defends organ sales “in a way that minimises the dangers normally envisaged for such a scheme”. It may be that organ sales could be defended (possibly by Janet Radcliffe Richards and for that matter by the present authors) in a way that does not minimise such dangers. But that is not what we were trying to do in our paper.

REFERENCES

- 1 Harris J. *Wonderwoman and Superman*. Oxford: Oxford University Press, 1992: ch 6.
- 2 Again this is something John Harris attempted in *Wonderwoman and Superman*.

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